
PATERNITY

QUESTIONS DADS USUALLY ASK
& THEIR ANSWERS



PATERNITY, ESTABLISH IT FOR YOUR CHILD'S SAKE

Published by the
State of Rhode Island and Providence Plantations

ESTABLISH PATERNITY

FOR YOUR

CHILD'S SAKE !

QUESTIONS DADS USUALLY ASK

AND

THEIR ANSWERS

Published by the
State of Rhode Island and Providence Plantations

Q. PATERNITY? WHAT IS THAT?

- A. Paternity means fatherhood. Establishing paternity means that an individual has been legally determined to be the father of a child. When the parents are not married, paternity can be established by the mother and father agreeing to sign a Voluntary Affidavit of Paternity. Signing a Voluntary Affidavit of Paternity indicates that both parents want to acknowledge that they are the child's parents.

Q. WHAT IS SO IMPORTANT ABOUT ESTABLISHING PATERNITY?

- A. Establishing Paternity for your child is an extremely important issue especially for the reasons listed below:

- * You and your child have the right to a father-child relationship. You both deserve the opportunity to develop, enjoy and grow in this relationship.
- * Your child will be entitled to your benefits such as health insurance, social security, pensions, veterans benefits and child support.
- * Your child will have the right to inheritance.
- * Your child will know about his/her medical background.
- * Your child will have a sense of identity and belonging.

The benefits of paternity establishment are rights to which your child is entitled.

Q. HOW DO I ESTABLISH PATERNITY FOR MY CHILD?

A. IT IS EASY. All you and the mother have to do is complete a form called a **VOLUNTARY AFFIDAVIT OF PATERNITY**. A Voluntary Affidavit of Paternity will legally establish your child's paternity. A Voluntary Affidavit of Paternity is usually prepared in the hospital or birthing center when a child is born or at the Child Support Enforcement Office. You may also establish paternity through Rhode Island Family Court or by contacting Child Support Enforcement to complete the paperwork necessary to bring your case to Court. You also have the option of filing paperwork yourself at Rhode Island Family Court or to contact the Department of Health, Division of Vital Records to make an appointment to complete the necessary paperwork.

Q. WHERE CAN I GET A VOLUNTARY AFFIDAVIT OF PATERNITY?

A. A Voluntary Affidavit of Paternity is available at the hospital, at the Department of Health, Division of Vital Records or at the Child Support Enforcement Office.

Q. WHAT IF I HAVE QUESTIONS ABOUT THE FORM OR ABOUT PATERNITY?

A. If you need assistance in completing the Voluntary Affidavit of Paternity, hospital staff will be available to assist you. They know how to complete the form and can answer any questions you may have regarding paternity. Technical staff assistants or case workers from Child Support Enforcement can also assist you if you have questions about paternity.

Q. WILL MY NAME GO ON MY CHILD'S BIRTH CERTIFICATE?

- A. Yes. Your name, date of birth and place of birth will go on the child's birth certificate but only if both you and the mother sign a Voluntary Affidavit of Paternity. By signing a Voluntary Affidavit of Paternity, you are legally stating that you are the father. The only other way to get your name on the birth certificate is if the Court decides you are the child's father.

The child's birth certificate is a legal document. It is important to both you and your child that the information is as accurate and complete as possible. The information on the Voluntary Affidavit of Paternity will be used on the child's birth certificate.

Remember, your child's birth certificate will be used throughout his or her life. It is the document most often used to prove the child's full given name, place of birth and date of birth. It also gives information about names and other personal items of identification needed to prove citizenship, to get a passport and to allow someone to inherit when a parent dies. It is also needed for entrance to school, work permit, a driver's license, employment, entrance into the armed services, a marriage license, public assistance benefits, retirement pensions and social security benefits.

Q. WHAT ABOUT MY CHILD'S LAST NAME?

- A. When a Voluntary Affidavit of Paternity is completed, the mother and the father agree on the child's first, middle and last name. If you do not complete the Voluntary Affidavit of Paternity, the mother must give the child her last name if she is not married at the time of conception or birth. Remember, if you complete a Voluntary Affidavit of Paternity at a date and time other than the hospital after the birth of the child, the child's last name cannot be changed. You must file a Petition for a name change at Family Court. The Child Support Enforcement Office cannot assist you with a name change.

Q. CAN I SIGN A VOLUNTARY AFFIDAVIT OF PATERNITY LATER?

- A. Yes. You can sign a Voluntary Affidavit of Paternity at any time. If you sign a Voluntary Affidavit of Paternity later, a new birth certificate will be prepared for your child that will include your information as the father of the child. If you decide to wait, you may make an appointment to complete a Voluntary Affidavit of Paternity at the Department of Health, Division of Vital Records. Also, staff from Child Support Enforcement or the Family Court Clerk's Office can help you in completing the necessary forms to establish the paternity of your child.

Q. WILL ESTABLISHING PATERNITY GIVE ME VISITATION AND CUSTODY RIGHTS?

- A. No. You will not be guaranteed visitation and custody rights just because you signed a Voluntary Affidavit of Paternity. Hopefully, you and the child's mother will voluntarily agree on visitation and custody. However, if you do not agree, but paternity has been established by completing a Voluntary Affidavit of Paternity, you have the right to go to Court and ask for visitation and custody. These issues are determined by the Family Court. The Family Court will decide what is in the best interest of your child.

You will have a much better chance of developing a relationship with your child if you sign the form.

Q. WILL I HAVE TO PAY CHILD SUPPORT IF I SIGN THE FORM?

- A. Yes. By signing the Voluntary Affidavit of Paternity you are saying you are the child's natural father. As the father, you are legally responsible for supporting the child and providing health insurance for him/her, if it is available at a reasonable cost.

The amount of child support you have to pay is based on how much you earn. Other factors are taken into consideration to determine the child support amount, including the mother's income, day care and medical expenses. The Court will determine a reasonable amount of child support based upon child support guidelines presently in effect.

Q. IF I DO NOT SIGN THE FORM, WILL I HAVE TO PAY CHILD SUPPORT?

- A. Yes, if paternity is determined by the Family Court. If paternity is not voluntarily established with a Voluntary Affidavit of Paternity and FIP is provided to your child at any time by the State, the State will attempt to establish paternity. If you deny paternity, the State will schedule blood testing.

If FIP is not being provided to your child, the child's mother can go to Court on her own or can apply to Child Support Enforcement to legally establish paternity. If your case goes to Court, the Court can order blood tests for you, the mother, and the child to determine if you are the father. Blood testing is highly accurate. If the test determines that you are the father, you will, most likely, be ordered by the Court to pay child support and provide health insurance for your child.

Q. WHO PAYS FOR THE BLOOD TEST?

- A. If you request blood tests, the State will pay initially, but the Court may order you to reimburse the State if you are found to be the father. If the Court finds that you are not the father, you will not have to reimburse the State.

Q. WHY SHOULD I BE RESPONSIBLE FOR CHILD SUPPORT IF THE MOTHER TOLD ME SHE WAS USING BIRTH CONTROL?

- A. Even if the pregnancy was an accident, you are legally responsible for supporting your child. It does not matter whether you agree with the pregnancy or not. Both you and the mother have a legal responsibility to provide support for the child.

Q. HOW CAN I BE SURE THE CHILD IS MINE?

- A. If you have any reason to believe the child is not yours (even if the mother says so), blood tests can be taken to determine if you are the father. A Voluntary Affidavit of Paternity cannot be signed if you are uncertain about paternity of the child. If you deny paternity, the State can schedule, or the Court can order, blood tests for you, the mother and the child. The blood tests can also prove that you are not the father. If you continue to deny paternity after the blood test results have proven you to be the father, you may go to trial to determine paternity.

Q. IF I GO TO COURT, WHAT RIGHTS DO I HAVE?

- A. You have the right to have your case decided by the Court. You have the right to have an attorney represent you. If you choose to have an attorney represent you, you will be responsible for paying him/her. The Court cannot appoint an attorney to represent you. You also have the right to represent yourself in Court. You have the right to ask the Court to order blood tests. You also have the right to challenge the blood tests and claim that you are the child's father at the hearing. If the Court determines you are the father, you have the right to ask the Court for visitation or custody.

Q. I AM NOT 18 YEARS OLD YET, WHAT DO I DO? MAY I SIGN THE VOLUNTARY AFFIDAVIT OF PATERNITY?

A. Even though you are not 18 years old, as the father of the child you can still sign the Voluntary Affidavit of Paternity. You must also provide either the written consent of your parent or complete a statement that you are not financially dependent upon your parent(s).

Q. I AM STILL IN SCHOOL FULL TIME AND I DO NOT HAVE A JOB. DO I STILL HAVE TO PAY CHILD SUPPORT?

A. As a parent, you have the responsibility to support your child. You are a student now, but someday you will have a job. The Court may require you to get a part-time job so that you can contribute to your child's support. A child support order is based upon your gross income as well as other factors. It is important to your child that both you and the child's mother support him or her.

Q. THE MOTHER IS GOING TO MARRY SOMEONE ELSE AND HE IS GOING TO ADOPT MY CHILD, SO WHY ESTABLISH PATERNITY?

A. Sometimes plans to marry fall through. The adoption procedure can take a long time and require that you be notified. In the meantime, your child is entitled to child support and the other benefits that come with establishing paternity.

Q. DO I HAVE TO PAY CHILD SUPPORT IF I DO NOT LIVE IN THE SAME STATE AS MY CHILD?

A. Yes. All states have an agreement to collect child support payments from a father who lives in a different state than his child. Child Support Enforcement will ask the other state to enforce your child support obligation if you do not pay.

Q. WHAT IF I JUST WON'T PAY?

A. If there is a Court order for the child support and you do not pay, you are in violation of the law. If the mother is receiving services from Child Support Enforcement, action can be taken against you. The Child Support Enforcement Agency has a variety of enforcement remedies available including taking state and federal tax refunds, placing administrative liens on personal and real property, reporting your credit status to the credit bureau and going to Court for civil contempt and request that you be incarcerated.

Q. WHY DOES A CHILD NEED TWO LEGAL PARENTS? WHAT IS THE BIG DEAL?

A. The raising of a child involves a lot of hard work. Having and raising a child is an enormous responsibility! Becoming a father is a huge commitment! Children need lots of love and attention. Raising a child takes time and money, but is also very rewarding. Even though you are not married to the mother, giving your child the emotional and financial support he/she needs is very significant to the outcome of the child's existence.

BE A DAD!

GIVE YOUR CHILD THE THING HE / SHE NEEDS MOST,
A RESPONSIBLE DAD.

TAKE RESPONSIBILITY FOR YOUR CHILD --
LEGALLY, FINANCIALLY AND EMOTIONALLY.

REMEMBER...

ANY MAN CAN BE A FATHER,
BUT IT TAKES A SPECIAL MAN TO BE A
DAD!!!



FOR MORE INFORMATION, CONTACT:

**RHODE ISLAND DEPARTMENT OF ADMINISTRATION
DIVISION OF TAXATION
CHILD SUPPORT ENFORCEMENT LEGAL UNIT
77 DORRANCE STREET
PROVIDENCE, RI 02903
(401) 222-2847
FAX (401) 222-3835**

OR

**RHODE ISLAND DEPARTMENT OF HEALTH
DIVISION OF VITAL RECORDS
3 CAPITOL HILL, ROOM 101
PROVIDENCE, RI 02908-5097
(401) 222-2812**

OR

**RHODE ISLAND FAMILY COURT
RECIPROCAL OFFICE
J. JOSEPH GARRAHY COMPLEX
ONE DORRANCE PLAZA
PROVIDENCE, RI 02903
(401) 458-3100**